THE HONOURABLE DR. JUSTICE G. YETHIRAJULU

WRIT PETITION No. 9915 OF 2004

Date:13.12.2007

BETWEEN:

K. Prasad

…. PETITIONER

And

1. The Chief Engineer (O & M), APSPDCL, Korlagunta, Tirupathi and another.

…. RESPONDENTS

ORAL ORDER:

This writ petition is filed by the petitioner seeking to declare the condition No.39-10.1 of Terms and conditions of Supply of Electricity of the respondent, as illegal, unreasonable, contrary to Judicial Precidents, and principles of law and to declare that the first respondent is not empowered to decide the appeal NO.1705/2004 dated 9.06.2004.

The petitioner is the consumer of the respondent-Corporation. There was pilferage of energy by the petitioner. Therefore, the Superintending Engineer issued letter dated 18.10.2003 assessing the amount to be paid by the consumer at Rs.64,491/-. Being aggrieved by the same, the petitioner preferred appeal before the Chief Engineer, Southern Power Distribution Company of A.P. Limited, Tirupati. The appellate authority issued notice dated 9.06.2004 informing the petitioner that there will be personal hearing on 23.06.2004 at 11 hours in the chambers of the Chief Engineer, Tirupati, and the petitioner was requested to present with relevant records. Being aggrieved by the said notice, the petitioner preferred the present writ petition seeking to declare condition No.39-10.1 as arbitrary and illegal.

A detailed history of the case has been given by the Superintending Engineer regarding the nature of pilferage done and the circumstances under which he arrived at the amount to be paid by the consumer. The petitioner did not question the quantum of amount, but questioned the authority of the Chief

Engineer in deciding the appeal.

The learned counsel for the respondent submitted that the statutory recognition and the constitutional validity of those conditions of supply of electricity were upheld by the Supreme Court in **Hyderabad Vanaspathi Limited v. A.P. State Electricity Board**[1].

In view of the same, since the constitutional validity of the conditions of supply of electricity has been upheld by the Supreme Court, and the petitioner did not agitate any other point in this writ petition, I do not find any merit in the writ petition.

Accordingly, the Writ Petition is dismissed. No costs.

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(Dr. G. Yethirajulu, J.)

13th December, 2007
Js.

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[1] (1998) 4 SCC 470